

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1262 of 2006

Shyansunder Ratilal Mehta	Applicant
Vs.	
Vijaysingh Prataprao Pawar & ors.	Respondents

Mr.Sanjay Bhatia for applicant.
Mr.S.M.Mirajkar with Mr.K.Y.Mandlik for Resp.nos.1 &
2.
Mr.S.R.Shinde, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 24, 2007.

P.C.

. Heard. This is an application praying for transfer of Complaints STC No.4574/2003 and STC No.4575/2003 filed before the learned Judicial Magistrate, First Class at Pandharpur filed by the present respondent nos.1 and 2 before the learned Judicial Magistrate, First Class at Pandharpur under Section 138 of the Negotiable Instruments Act, 1881.

. This application has been opposed by the respondent nos. 1 and 2 by filing an affidavit-in reply and they have stated that though this application was filed in March 2006, the applicant accused had approached this Court in Writ Petition No.1956 of 2006 for cancellation of warrant, on

26/9/2006 the Court had stayed the warrant for three weeks and directed the applicant to appear before the learned JMFC, Pandharpur and apply for cancellation. However, the applicant did not appear and the warrant issued against him could not be executed by the police. Consequently, he has been declared as absconding, alleges the affidavit-in-reply and this has been denied by the learned counsel for the applicant.

. In support of prayer for transfer two main reasons have been advanced before this Court viz. (i) the old age of the applicant and (ii) the political influence of the respondent nos.1 and 2 at Pandharpur. The cases pending at the instance of the respondent nos.1 and 2 are the complaints under Section 138 of the Negotiable Instruments Act, 1881 which are essentially of summary trials and as has been held by this Court, the cases could be contested by the applicant by engaging an Advocate with due authority even to proceed for recording statement under Section 313 of Cr.P.C. The alleged political influence of the complainant at Pandharpur cannot be a reason to transfer the case filed under Section 138 of the NI Act and, therefore, I am satisfied that the

prayer for transfer of the two complaints presently pending before the learned Judicial Magistrate First Class at Pandharpur to the Court at Mumbai for being decided along with CC No.160/PW/2004, need not be entertained.

. The application is, therefore, rejected.

. Trials of the complaints are expedited.

(B.H.MARL